

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

EDWARD LEON MAJOR,

Plaintiff,

vs.

REKHA HALLIGAN, *et al.*,

Defendants.

FILED ELECTRONICALLY

CIV. ACTION NO. 1:21-cv-00068

DR. HERBIK'S RESPONSE TO PLAINTIFF'S MOTION TO COMPEL

In accordance with the Court's April 17, 2024, Order, Dr. Herbik now responds to Plaintiff's Motion to Compel, appearing on the docket at number 169. (ECF Nos. 169, 170).

Mr. Major seeks an order of Court to compel defendants to respond to his February 29, 2024, discovery requests. Prior to the filing of Plaintiff's Motion, his counsel reached out to the undersigned on or about Friday, April 5, 2024, to inquire about the status of defendants' responses. The undersigned responded on Monday, April 8th that while counsel had been working on Dr. Herbik's responses, additional time was needed to finalize these responses because the assigned corporate claims representative had recently changed on the case, delaying this effort. The undersigned then requested an extension of time by thirty days to provide Dr. Herbik's responses. Plaintiff's counsel responded to this request the same day and provided the defendants until April 15, 2024, to produce their responses.

On April 15, 2024, the undersigned asked for some additional time to produce Dr. Herbik's responses, advising that draft responses were in Dr. Herbik's hands and the undersigned was seeking his verification. Plaintiff's counsel demanded that the *unverified* responses be produced. Defendant's counsel refused, noting that it was necessary for Dr. Herbik to provide a final review of his responses before they could be produced. Plaintiff then advised that they would file a motion to compel, and filed the instant Motion to Compel on April 17, 2024. The Court then issued its Order, directing defendants to respond to Plaintiff's Motion by today, April 26th.

Dr. Herbik now responds that he has now produced his responses to Plaintiff's discovery requests, by e-mailing his responses and requested documents to Plaintiff's counsel on April 25, 2024. Dr. Herbik's Answers to Interrogatories and Responses to Requests for Production of Documents are attached hereto as Exhibits A and B. As Dr. Herbik has now produced his responses, along with any requested documents in his possession, he respectfully requests that Plaintiff's Motion to Compel be denied.

Accordingly, Dr. Herbik prays this Honorable Court to deny Mr. Major's Motion to Compel, appearing on the docket at number 169. (ECF No. 169).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Benjamin M. Lombard, Esquire, hereby certify that on this date a true and correct copy of the foregoing **DR. HERBIK'S RESPONSE TO PLAINTIFF'S MOTION TO COMPEL** was served by CM/ECF Notice to all counsel of record upon the following:

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/s/ Benjamin M. Lombard
Benjamin M. Lombard, Esquire

Dated: April 26, 2024